IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Arsenault et al. U.S. Serial No: 09/534,708 Filed: March 24, 2000 Title: Method and Apparatus for Conditionally Processing, Storing, and Displaying Digital Channel Content in a Television Reception System Art Unit: 2611 Examiner: Joseph G. Ustaris	I hereby certify that this paper is being electronically transmitted to the United States Patent and Trademark Office on this date: July 7, 2007 /Michael W. Zimmerman/ Michael W. Zimmerman Registration No. 57,993 Agent for Applicants

BRIEF ON APPEAL

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Sir:

Pursuant to the Notice of Appeal mailed April 24, 2007 and received at the USPTO on April 24, 2007, in connection with the above-identified patent application, Applicant respectfully submits the instant Brief on Appeal in accordance with 37 C.F.R. § 41.37.

I. Real Party In Interest

The above-referenced patent application has been assigned to The DirecTV Group, Inc., who is the real party in interest to this appeal. The assignment has been recorded in the United States Patent and Trademark Office ("PTO") at Frames 0191-0198 of Reel 010954.

II. Related Appeals and Interferences

The applicant is unaware of any related appeals or interferences.

III. Status of the Claims

Currently, claims 28-30 and 32-47 are pending in this application. The pending claims are presented in the Claims Appendix of this Brief. Claims 28-30 and 32-47 stand rejected. Therefore, claims 28-30 and 32-47 form the subject matter of this appeal.

The application on appeal was filed on March 24, 2000.

On April 22, 2004, the Office issued a first non-final Office action restricting claims 1-27 and rejecting claims 28-37 under 35 U.S.C. §102(e) as anticipated by Gordon (US Pub. No 2001/056577) ("Gordon A").

On July 22, 2004, the applicant filed a response to the first non-final Office action withdrawing claims 1-27, amending claims 28, 36, and 37, adding claims 38-40, and traversing the art rejections based on Gordon A.

On December 29, 2004, the Office issued a first final Office action rejecting claims 28-40 under 35 U.S.C. §102(e) as anticipated by Gordon A.

On June 29, 2005, the applicant filed a first Request for Continued Examination and a response to the first final Office action. The response amended claims 28, 36, and 37 and traversed the art rejections based on Gordon A.

On September 22, 2005, the Office issued a second non-final Office action rejecting claims 28-40 under 35 U.S.C. §102(e) as anticipated by Gordon A.

On December 14, 2005, the applicant filed a response to the second non-final Office action amending claims 28, 36, and 37 and traversing the art rejections based on Gordon A.

On February 24, 2006, the Office issued a second final Office action rejecting claims 28-40 under 35 U.S.C. §103(a) as unpatentable over Gordon A in view of Gordon et al. (US 6,208,335) ("Gordon B").

On April 21, 2006, a date within two months of the mailing date of the second final Office action, the applicant filed a response to the second final Office action traversing the art rejections based on Gordon A and Gordon B.

On May 4, 2006, the Office issued an Advisory Action maintaining the rejections of Gordon A and Gordon B.

On May 24, 2006, the applicant filed a second Request for Continued Examination and a response to the second final Office action. The response amended claims 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, and 40, cancelled claim 31, added new claims 41-47, and traversed the art rejections based on Gordon A and Gordon B.

On August 10, 2006, the Office issued a third non-final Office action rejecting claims 28-30 and 32-47 under 35 U.S.C. §103(a) as unpatentable over Gordon A in view of Beyers, II et al. (US 5,381,477) ("Beyers").

On November 9, 2006, the applicant filed a response to the third non-final Office action traversing the art rejections based on Gordon A and Beyers.

On January 24, 2007, the Office issued a third final Office action rejecting claims 28-30 and 32-47 under 35 U.S.C. §103(a) as unpatentable over Gordon A in view of Beyers.

Because the applicant and the Examiner had arrived at diametrically opposed positions, the applicant had little choice but to file a notice of appeal and a Pre-Appeal Brief Request for Review on April 24, 2007.

On June 7, 2007, the Office issued a Notice of Panel Decision from Pre-Appeal Brief Review indicating that the applicant should proceed to the Board of Patent Appeals and Interferences. Accordingly, claims 28-30 and 32-47 stand rejected and form the subject of this appeal.

IV. Status of the Amendments

No amendments were filed after the final Office action. No further amendments are necessary.

V. Summary of the Claimed Subject Matter

Although reference numerals and specification citations are inserted below in accordance with 37 C.F.R. 41.37(c)(1)(v), these references numerals and citations are merely examples of where support may be found in the specification for the terms used in this section of the brief. There is no intention to in any way suggest that the terms of the claims are limited to these

examples. Although, as demonstrated by the reference numerals and citations below, the claims are fully supported by the specification as required by law, it is improper under the law to read limitations from the specification into the claims. Pointing out specification support for the claim terminology as is done here to comply with rule 41.37(c)(1)(v) does not in any way limit the scope of the claims to those examples from which they find support. Nor does this exercise provide a mechanism for circumventing the law precluding reading limitations into the claims from the specification. In short, the reference numerals and specification citations are not to be construed as claim limitations or in any way used to limit the scope of the claims.

In the invention as defined in claim 1, a method of broadcasting television content and program guide data (Page 9, lines 5-22), the television content divided into a plurality of television channels (Page 6, line 19-Page 7), line 4), each television channel constructed from at least one content component (Page 3, lines 1-3 and lines 5-8), the program guide data including multiple channel objects (Page 3, lines 5-13), each channel object associated with one of the television channels (Page 3, lines 5-8), each channel object including at least one channel definition that identifies the channel content components including a video component or an audio component needed to construct the television channel associated with that channel object for display (Page 3, lines 1-16 and Page 12, line 14-Page 13, line 10) is recited as comprising: providing the television content and the program guide data (Page 9, lines 5-22); adding conditional logic to channel objects that include more

than one channel definition (page 13, line 11-Page 14, line 2), the conditional logic including one or more rules that must be evaluated by a receiver to identify a first channel definition or a second channel definition based on receiver characteristics data representing a characteristic of the receiver (page 13, line 11-Page 14, line 2; Page 16, line 17-Page 17, line 4; and Page 17, line 18-Page 18, line 4), the first channel definition being associated with a first video component or a first audio component, and the second channel definition being associated with a second video component or a second audio component (Page 28, line 11-Page 29, line 6); combining the television content and the program guide data into an output stream (Page 9, lines 5-22); and broadcasting the output stream to a plurality of receivers (Page 9, lines 5-22).

In the invention as defined in claim 29, one of the conditions contained in the conditional logic of a channel object of claim 28 is further based on subscription data representing channels to which a user subscribes (Page 24, line 20-Page 21, line 8).

In the invention as defined in claim 30, one of the conditions contained in the conditional logic of a channel object of claim 28 is further based on selection history data representing programs that a user has previously watched (Page 26, line 23-Page 27, line 4).

In the invention as defined in claim 32, the receiver characteristics data of claim 28 is further specified to include geographic location data

representing a specific geographic location, and one of the conditions contained in the conditional logic of a channel object is based on the geographic location data (Page 33, lines 3-8).

In the invention as defined in claim 33, the receiver characteristics data of claim 28 is further specified to include at least one identification code that uniquely identifies a receiver and one of the conditions contained in the conditional logic of a channel object is based on the identification code (Page 16, line 17-Page 17, line 4).

In the invention as defined in claim 34, one of the conditions contained in the conditional logic of a channel object of claim 28 is further based on both the current time at the site of the receivers and subscription data representing channels to which users of the receivers subscribe (Page 24, line 20-Page 21, line 8 and Page 27, lines 5-17).

In the invention as defined in claim 35, one of the conditions contained in the conditional logic of a channel object associated with a pay per view television channel of claim 28 is further based on the current time at the site of the receivers and pay per view purchase data representing pay per view programs that have been ordered by a user (Page 31, lines 9-23).

In the invention as defined in claim 36, a method of receiving television content and program guide data that is broadcast from a television broadcasting station (Page 9, lines 5-22), the television content divided into a plurality of television channels (Page 6, line 19-Page 7), each television

channel constructed from at least one channel content component (Page 3, lines 1-3 and lines 5-8), the program guide data including multiple channel objects (Page 3, lines 5-13), each channel object associated with one of the television channels (Page 3, lines 5-8), each channel object including at least one channel definition that identifies the channel content components including a video component or an audio component needed to construct the television channel associated with that channel object for display (Page 3, lines 1-16 and Page 12, line 14-Page 13, line 10), each channel object with more than one channel definition including conditional logic having one or more rules including conditions that must be evaluated to identify an appropriate channel definition based on receiver characteristics data (page 13, line 11-Page 14, line 2; Page 16, line 17-Page 17, line 4; and Page 17, line 18-Page 18, line 4) is recited as comprising: receiving the television content and the program guide data by a receiver station that includes a receiver (Page 9, lines 5-22); storing the program guide data in a memory (Page 15, lines 8-10); receiving a tuning request that selects a television channel (Page 23, lines 15-18); responding to the tuning request by evaluating the conditions in the one or more rules of the channel object associated with the selected television channel and identifying a first channel definition or a second channel definition for that television channel based on receiver characteristics data representing a characteristic of the receiver (page 13, line 11-Page 14, line 2; Page 16, line 17-Page 17, line 4; Page 17, line 18-Page 18, line 4; and Page 23, line 19-Page 24, line 4), the first channel definition being associated with a

first video component or a first audio component, and the second channel definition being associated with a second video component or a second audio component (Page 28, line 11-Page 29, line 6); and generating an output of the selected television channel (Page 24, line 5-Page 25, line 8), the output including the channel content components identified by the first channel definition or the second channel definition (Page 24, line 5-Page 25, line 8 and Page 28, line 11-Page 29, line 6).

In the invention as defined in claim 37, a system for receiving television content and program guide data that is broadcast from a television broadcasting station (Page 9, lines 5-22), the television content divided into a plurality of television channels (Page 6, line 19-Page 7), each television channel constructed from at least one channel content component (Page 3, lines 1-3 and lines 5-8), the program guide data including multiple channel objects (Page 3, lines 5-13), each channel object associated with one of the television channels (Page 3, lines 5-8), each channel object including at least one channel definition that identifies the channel content components including a video component or an audio component needed to construct the television channel associated with that channel object for display (Page 3, lines 1-16 and Page 12, line 14-Page 13, line 10), each channel object with more than one channel definition including conditional logic having one or more rules including conditions that must be evaluated to identify an appropriate channel definition based on system characteristics data representing a characteristic of the system (page 13, line 11-Page 14, line 2;

Page 16, line 17-Page 17, line 4; and Page 17, line 18-Page 18, line 4) is recited as comprising: a receiver for receiving the television content (Page 9, lines 5-22); a memory for storing received program guide data (Page 15, lines 8-10); a controller coupled to the memory, the controller receiving a tuning request that selects a television channel (Page 23, lines 15-18), the controller responding to the tuning request by evaluating the conditions in the one or more rules of the channel object associated with the selected television channel and identifying a first channel definition or a second channel definition for that television channel based on system characteristics data representing a characteristic of the system (page 13, line 11-Page 14, line 2; Page 16, line 17-Page 17, line 4; Page 17, line 18-Page 18, line 4; and Page 23, line 19-Page 24, line 4), the first channel definition being associated with a first video component or a first audio component, and the second channel definition being associated with a second video component or a second audio component (Page 28, line 11-Page 29, line 6); and display means for generating an output of the selected television channel (Page 24, line 5-Page 25, line 8), the output including the channel content components identified by the first channel definition or the second channel definition (Page 24, line 5-Page 25, line 8 and Page 28, line 11-Page 29, line 6).

In the invention as defined in claim 38, the first channel definition of claim 28 is further specified to comprise a channel definition defining channel content components associated with a user who has purchased a program or an event, and wherein the second channel definition comprises a channel

definition defining channel content components associated with a user who has not purchased a program or an event (Page 31, lines 9-23).

In the invention as defined in claim 39, the first channel definition of claim 36 is further specified to comprise a channel definition defining channel content components associated with a user who has purchased a program or an event, and wherein the second channel definition comprises a channel definition defining channel content components associated with a user who has not purchased a program or an event (Page 31, lines 9-23).

In the invention as defined in claim 40, the first channel definition of claim 37 is further specified to comprise a channel definition defining channel content components associated with a user who has purchased a program or an event, and wherein the second channel definition comprises a channel definition defining channel content components associated with a user who has not purchased a program or an event (Page 31, lines 9-23).

In the invention as defined in claim 41, the receiver characteristics data representing the characteristic of the receiver of claim 28 indicates a model number associated with a receiver (Page 16, line 17-Page 18, line 4).

In the invention as defined in claim 41, the conditional logic of claim 28 instructs the receiver to select the first channel definition if the model number is greater than a predetermined number and instructs the receiver to select the second channel definition if the model number is less than the predetermined number (Page 18, line 21-Page 19, line 15).

In the invention of claim 42, the receiver characteristics data representing the characteristic of the receiver of claim 28 indicates whether or not the receiver includes a software capability (Page 17, line 18-Page 18, line 4).

In the invention of claim 44, the receiver characteristics data representing the characteristic of the receiver of claim 28 indicates whether or not that receiver includes a hardware component (Page 17, line 18-Page 18, line 4).

In the invention of claim 45, the receiver characteristics data representing the characteristic of the receiver of claim 28 indicates a status of the receiver (Page 17, line 18-Page 18, line 4).

In the invention of claim 46, the receiver characteristics data representing the characteristic of the receiver of claim 36 indicates a model number associated with the receiver (Page 18, line 21-Page 19, line 15).

In the invention of claim 47, the system characteristics data representing the characteristic of the system of claim 37 indicates a model number associated with the system (Page 18, line 21-Page 19, line 15).

VI. Grounds of Rejection To Be Reviewed on Appeal

The grounds of rejection to be reviewed on appeal are as follows:

Ground 1: The Examiner's Contention That Beyers Describes Conditional Logic Evaluated By A Receiver Based On Receiver Characteristics Data Representing A Characteristic Of The Receiver is in Error.

Ground 2: The Examiner's Contention That Claim 28 is Unpatentable Under 35 U.S.C. § 103(a) in View of Gordon and Beyers.

Ground 3 The Examiner's Contention That Claim 36 is Unpatentable Under 35 U.S.C. § 103(a) in View of Gordon and Beyers.

Ground 4: The Examiner's Contention That Claim 37 is Unpatentable Under 35 U.S.C. § 103(a) in View of Gordon and Beyers.

VII. Argument

Ground 1. The Examiner's Contention That Beyers Describes Conditional Logic Evaluated By A Receiver Based On Receiver Characteristics Data Representing A Characteristic Of The Receiver is in Error.

The final Office action bases the rejection of the claims on the premise that Beyers describes conditional logic evaluated by a receiver based on receiver characteristics data representing a characteristic of the receiver. Despite the examiner's contention, Beyers failed to describe such functionality.

In arguing that Beyers describes conditional logic evaluated by a receiver based on receiver characteristics data representing a characteristic of the receiver, the third non-final Office action and the third final Office action cited Beyers col. 2, lines 42-65+. However, the cited portion of Beyers does

not describe or suggest conditional logic evaluated by a receiver. Rather, as described below, these portions of Beyers describe the use of a host billing computer to group subscribers and send messages to the subscriber groups.

The cited portion of Beyers states "... there remains a need in the art of subscription television services to permit the system operator to provide individualized messages ..." (Beyers col. 2, lines 43-45). In other words, Beyers is directed to messages from system operators. In the Technical Field section, Beyers states "the transmission of messages to said predetermined groups and communication with a host billing computer" are facilitated by this "invention." (Col. 1, lines 15-22). Returning to the examiner's citation, Beyers states that the described method comprises the steps of "storing criteria related to terminals of a subscription television system, ... comparing the stored terminal criteria with the criteria definition statement, and assigning an individual or group of terminals to the group." (Beyers col. 2, lines 55-62). In other words, the cited portion of Beyers clearly describes that the assigning of groups is performed at the host billing computer. There is no indication in the cited portion of Beyers that conditional logic is evaluated by a receiver based on receiver characteristics data representing a characteristic of the receiver nor does the examiner provide any justification for such an assertion in the third non-final Office action.

In response to the applicant's arguments in response to the third non-final Office action, the examiner additionally cited Col. 9, lines 9-37 of Beyers. In discussing the citation, the examiner stated

> Transaction Type A is of finite length and may be considered to comprise a data packets of a plurality of bytes in a particular sequence and including at least apportion of a data stream which may have a transaction code associated therewith... Message data for display on an addressable subscriber terminal may be transmitted to subscribers using these transaction. Depending on the length of the

> messages, the characteristic of the subscriber terminals and the scramblers and other factors, the particular length and arrangement of message data within these transactions may be varied to suit the particular configuration.

(Final Office action, Page 2-Page 3) (emphasis removed). The applicants respectfully submit that the arguments fail to show how Beyers describes conditional logic evaluated by a receiver based on receiver characteristics data representing a characteristic of the receiver. Rather, the cited portion of Beyers merely indicates that the length and arrangement of message data may be varied based on the particular configuration and desired parameters to be included in the message. Beyers indicates that the message data is merely messages to be displayed to subscribers on subscriber terminals (Col. 9, lines 23-25). Varying the length and arrangement of message data to be compatible with a subscriber terminal is not the same as and does not suggest conditional logic that is evaluated by a receiver. In fact, because message data is arranged to be compatible with an addressed subscriber terminal as –sent, no evaluation of conditional logic is needed to display the message.

The examiner further argued "A transaction code or operand provides a command or instruction that the subscriber terminal (or terminals) addressed by the transaction is to follow. The depicted data is for operation according to the operation or transaction code." (Final Office action, Page 3). However, a command or an instruction is not inherently conditional logic. Rather, the use of phrase "command or instruction" by Beyers implies a singular command or

singular instruction. It is not clear to the applicants, and the examiner has provided no explanation, as to how a singular instruction describes or suggests conditional logic that is evaluated by a receiver.

Clearly, Beyers does not describe or suggest conditional logic evaluated by a receiver based on receiver characteristics data representing a characteristic of the receiver. Consequently, any rejection based on that premise is in error and should be reversed.

Ground 2. The Examiner's Contention That Claim 28 is Unpatentable Under 35 U.S.C. § 103(a) in View of Gordon and Beyers.

The Office action rejected claim 28 as unpatentable under 35 U.S.C. § 103 over Gordon in view of Beyers. In the third final Office action, the examiner contended that Gordon describes all of the recitations of claim 28, a point that the applicants do not concede. The examiner did, however, concede that Gordon does not describe or suggest that conditional logic is evaluated by a receiver based on receiver characteristics data representing a characteristic of the receiver. (Third final Office action, Page 6). The examiner seeks to cure the admitted deficiency of Gordon by citing Beyers. However, as described above, Beyers does not describe or suggest conditional logic is evaluated by a receiver based on receiver characteristics data representing a characteristic of the receiver. Accordingly, the examiner has failed to show all of the recitations of the claims as required for a *prima facie* case of obviousness.

It is well established that the prior art must teach or suggest each of the claim elements and must additionally provide a suggestion of, or an incentive for, the claimed combination of elements to establish a *prima facie* case of obviousness. See *In re Oetiker*, 24 USPQ. 2d 1443, 1446 (Fed. Cir. 1992); *Ex parte Clapp*, 227 USPQ. 972, 973 (Bd. Pat. App. 1985); *In re Royka*, 490 F.2d 981 (CCPA 1974) and M.P.E.P. § 2143. In this case, neither Gordon (as admitted by the examiner) nor Beyers describes or suggests that conditional logic is evaluated by a receiver based on receiver characteristics data representing a characteristic of the receiver. Thus, it is respectfully submitted that, because the prior art fails to teach or suggest each of the claim elements, no *prima facie* case of obviousness of claim 28 has been made. Accordingly, the rejection of claim 28 and all claims depending therefrom should be reversed.

Ground 3 The Examiner's Contention That Claim 36 is Unpatentable Under 35 U.S.C. § 103(a) in View of Gordon and Beyers.

The Office action rejected claim 36 as unpatentable under 35 U.S.C. § 103 over Gordon in view of Beyers. However, as explained below, no combination of Gordon and Beyers can teach or suggest the method recited in claim 36.

Claim 36 recites a method of receiving television content and program guide data that is broadcast from a television broadcasting station, the television content divided into a plurality of television channels, each

television channel constructed from at least one channel content component, the program guide data including multiple channel objects, each channel object associated with one of the television channels, each channel object including at least one channel definition that identifies the channel content components including a video component or an audio component needed to construct the television channel associated with that channel object for display, each channel object with more than one channel definition including conditional logic having one or more rules including conditions that must be evaluated to identify an appropriate channel definition based on receiver characteristics data.

As explained above in detail in Grounds 1 and 2 of this Brief, no combination of Gordon and Beyers can teach or suggest conditional logic is evaluated by a receiver based on receiver characteristics data representing a characteristic of the receiver. Accordingly, the applicant respectfully submits that the rejection of claim 36 is in error. Therefore, the rejection of claim 36 and all claims depending therefrom should be reversed.

Ground 4 The Examiner's Contention That Claim 37 is Unpatentable Under 35 U.S.C. § 103(a) in View of Gordon and Beyers.

The Office action rejected claim 37 as unpatentable under 35 U.S.C. § 103 over Gordon in view of Beyers. However, as explained below, no combination of Gordon and Beyers can teach or suggest the method recited in claim 37.

Claim 37 recites a system for receiving television content and program guide data that is broadcast from a television broadcasting station, the television content divided into a plurality of television channels, each television channel constructed from at least one channel content component, the program guide data including multiple channel objects, each channel object associated with one of the television channels, each channel object including at least one channel definition that identifies the channel content components including a video component or an audio component needed to construct the television channel associated with that channel object for display, each channel object with more than one channel definition including conditional logic having one or more rules including conditions that must be evaluated to identify an appropriate channel definition based on system characteristics data representing a characteristic of the system.

As explained above in detail in Grounds 1 and 2 of this Brief, no combination of Gordon and Beyers can teach or suggest conditional logic is evaluated by a receiver based on receiver characteristics data representing a characteristic of the receiver. Accordingly, the applicant respectfully submits that the rejection of claim 37 is in error. Therefore, the rejection of claim 36 and all claims depending therefrom should be reversed.

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VIII. Claims Appendix

1. (Withdrawn) An apparatus for conditionally processing digital objects addressed to a receiver/decoder in a satellite television system comprising:

a satellite signal receiver for receiving a digital object;

a memory for storing the digital object; and,

a control circuit operatively coupled to the receiver and the memory for determining if the digital object is a conditional object, wherein conditional objects are objects which include a rule and an embedded object, the control circuit logically separating the embedded object from the rule if the digital object is a conditional object, the control circuit evaluating the rule to determine how the digital object should be processed.

2. (Withdrawn) An apparatus as defined in claim 1, wherein the control circuit discards the digital object to conserve memory if the rule evaluates to false, and the control circuit stores the digital object in the memory if the rule evaluates to true.

3. (Withdrawn) An apparatus as defined in claim 1, wherein the control circuit displays the digital object if the rule evaluates to true, and waits a period of time before re-evaluating the rule if the rule evaluates to false.

4. (Withdrawn) An apparatus as defined in claim 3, wherein the period of time is a predetermined period of time.

5. (Withdrawn) An apparatus as defined in claim 3, wherein the period of time is determined by a variable in a rule being updated.

6. (Withdrawn) An apparatus as defined in claim 1, wherein the digital object is used to construct a television program guide.

7. (Withdrawn) An apparatus as defined in claim 1, wherein the digital object is used to compose the content a television channel.

8. (Withdrawn) An apparatus as defined in claim 1, wherein the control circuit determines if the digital object is a conditional object by examining header information indicative of a predetermined object type.

9. (Withdrawn) An apparatus as defined in claim 1, wherein the rule comprises a machine executable language.

10. (Withdrawn) An apparatus as defined in claim 1, wherein the digital object comprises a plurality of embedded objects wrapped in a cluster protocol.

11. (Withdrawn) A method for conditionally storing digital objects comprising the steps of:

retrieving a digital object from memory;

determining if the digital object is a conditional object, wherein conditional objects are objects which include a rule and an embedded object, the rule indicating if the embedded object should be discarded;

logically separating the embedded object from the rule if the digital object is a conditional object;

evaluating the rule to determine if the digital object should be discarded;

discarding the digital object if the rule evaluates to false to conserve memory; and,

storing the digital object if the rule evaluates to true.

12. (Withdrawn) A method as defined in claim 11, wherein the digital object is used to construct a television program guide.

13. (Withdrawn) A method as defined in claim 11, wherein the digital object is used to compose the content a television channel.

14. (Withdrawn) A method as defined in claim 11, wherein the digital object is addressed to an integrated receiver/decoder for use in a satellite television system.

15. (Withdrawn) A method as defined in claim 11, wherein the determining step comprises examining header information indicative of a predetermined object type.

16. (Withdrawn) A method as defined in claim 11, wherein the rule comprises a machine executable language.

17. (Withdrawn) A method as defined in claim 11, wherein the digital object comprises a plurality of embedded objects wrapped in a cluster protocol.

18. (Withdrawn) A method for conditionally displaying digital objects comprising the steps of:

retrieving a digital object from memory;

determining if the digital object is a conditional object, wherein conditional objects are objects which include a rule and an embedded object, the rule indicating if the embedded object should be displayed;

logically separating the embedded object from the rule if the digital object is a conditional object;

evaluating the rule to determine if the digital object should be displayed;

displaying the digital object if the rule evaluates to true; and,

waiting a period of time before re-evaluating the rule if the rule evaluates to false.

19. (Withdrawn) A method as defined in claim 18, wherein the digital object is used to construct a television program guide.

20. (Withdrawn) A method as defined in claim 18, wherein the digital object is used to compose the content a television channel.

21. (Withdrawn) A method as defined in claim 18, wherein the digital object is addressed to an integrated receiver/decoder for use in a satellite television system.

22. (Withdrawn) A method as defined in claim 18, wherein the determining step comprises examining header information indicative of a predetermined object type.

23. (Withdrawn) A method as defined in claim 18, wherein the rule comprises a machine executable language.

24. (Withdrawn) A method as defined in claim 18, wherein the period of time is a predetermined period of time.

25. (Withdrawn) A method as defined in claim 18, wherein the period of time is determined by a variable in a rule being updated.

26. (Withdrawn) A method for conditionally displaying a portion of a digital object comprising the steps of:

retrieving a digital object from memory;

determining if the digital object includes a conditional element, wherein conditional elements are portions of digital objects wrapped in a protocol containing a rule, the rule indicating if the portion of the digital object should be displayed;

logically separating the portion from the rule if the digital object includes a conditional element;

evaluating the rule to determine if the portion should be displayed;

displaying the portion if the rule evaluates to true; and

waiting a period of time before re-evaluating the rule if the rule evaluates to false.

27. (Withdrawn) A method for conditionally processing a portion of a digital object comprising the steps of:

retrieving a digital object from memory;

determining if the digital object includes a conditional element, wherein conditional elements are portions of digital objects wrapped in a

protocol containing a rule, the rule indicating if the portion of the digital object should be processed;

logically separating the portion from the rule if the digital object includes a conditional element;

evaluating the rule to determine if the portion should be processed;

processing the portion if the rule evaluates to true; and

waiting a period of time before re-evaluating the rule if the rule evaluates to false.

28. (Previously Presented) A method of broadcasting television content and program guide data, the television content divided into a plurality of television channels, each television channel constructed from at least one content component, the program guide data including multiple channel objects, each channel object associated with one of the television channels, each channel object including at least one channel definition that identifies the channel content components including a video component or an audio component needed to construct the television channel associated with that channel object for display, wherein the method comprising:

providing the television content and the program guide data;

adding conditional logic to channel objects that include more than one channel definition, the conditional logic including one or more rules that must be evaluated by a receiver to identify a first channel definition or a second channel definition based on receiver characteristics data representing a characteristic of the receiver, the first channel definition being associated with a first video component or a first audio component, and the second channel definition being associated with a second video component or a second audio component;

combining the television content and the program guide data into an output stream; and

broadcasting the output stream to a plurality of receivers.

29. (Previously Presented) The method of claim 28 wherein one of the conditions contained in the conditional logic of a channel object is further based on subscription data representing channels to which a user subscribes.

30. (Previously Presented) The method of claim 28 wherein one of the conditions contained in the conditional logic of a channel object is further based on selection history data representing programs that a user has previously watched.

31. (Cancelled)

32. (Previously Presented) The method of claim 28 wherein the receiver characteristics data includes geographic location data representing a specific geographic location, and one of the conditions contained in the conditional logic of a channel object is based on the geographic location data.

33. (Previously Presented) The method of claim 28 wherein the receiver characteristics data includes at least one identification code that uniquely identifies a receiver and one of the conditions contained in the conditional logic of a channel object is based on the identification code.

34. (Previously Presented) The method of claim 28 wherein one of the conditions contained in the conditional logic of a channel object is further

based on both the current time at the site of the receivers and subscription data representing channels to which users of the receivers subscribe.

35. (Previously Presented) The method of claim 28 wherein one of the conditions contained in the conditional logic of a channel object associated with a pay per view television channel is further based on the current time at the site of the receivers and pay per view purchase data representing pay per view programs that have been ordered by a user.

36. (Previously Presented) A method of receiving television content and program guide data that is broadcast from a television broadcasting station, the television content divided into a plurality of television channels, each television channel constructed from at least one channel content component, the program guide data including multiple channel objects, each channel object associated with one of the television channels, each channel object including at least one channel definition that identifies the channel content components including a video component or an audio component needed to construct the television channel associated with that channel object for display, each channel object with more than one channel definition including conditional logic having one or more rules including conditions that must be evaluated to identify an appropriate channel definition based on receiver characteristics data, the method comprising:

receiving the television content and the program guide data by a receiver station that includes a receiver;

storing the program guide data in a memory;

receiving a tuning request that selects a television channel;

responding to the tuning request by evaluating the conditions in the one or more rules of the channel object associated with the selected television channel and identifying a first channel definition or a second channel definition for that television channel based on receiver characteristics data representing a characteristic of the receiver, the first channel definition being associated with a first video component or a first audio component, and the second channel definition being associated with a second video component or a second audio component; and

generating an output of the selected television channel, the output including the channel content components identified by the first channel definition or the second channel definition.

37. (Previously Presented) A system for receiving television content and program guide data that is broadcast from a television broadcasting station, the television content divided into a plurality of television channels, each television channel constructed from at least one channel content component, the program guide data including multiple channel objects, each channel object associated with one of the television channels, each channel object including at least one channel definition that

identifies the channel content components including a video component or an audio component needed to construct the television channel associated with that channel object for display, each channel object with more than one channel definition including conditional logic having one or more rules including conditions that must be evaluated to identify an appropriate channel definition based on system characteristics data representing a characteristic of the system, the method comprising:

a receiver for receiving the television content;

a memory for storing received program guide data;

a controller coupled to the memory, the controller receiving a tuning request that selects a television channel, the controller responding to the tuning request by evaluating the conditions in the one or more rules of the channel object associated with the selected television channel and identifying a first channel definition or a second channel definition for that television channel based on system characteristics data representing a characteristic of the system, the first channel definition being associated with a first video component or a first audio component, and the second channel definition being associated with a second video component or a second audio component; and

display means for generating an output of the selected television channel, the output including the channel content components identified by the first channel definition or the second channel definition.

38. (Previously Presented) The method of claim 28, wherein the first channel definition comprises a channel definition defining channel content components associated with a user who has purchased a program or an event, and wherein the second channel definition comprises a channel definition defining channel content components associated with a user who has not purchased a program or an event.

39. (Previously Presented) The method of claim 36, wherein the first channel definition comprises a channel definition defining channel content components associated with a user who has purchased a program or an event, and wherein the second channel definition comprises a channel definition defining channel content components associated with a user who has not purchased a program or an event.

40. (Previously Presented) The system of claim 37, wherein the first channel definition comprises a channel definition defining channel content components associated with a user who has purchased a program or an event, and wherein the second channel definition comprises a channel definition defining channel content components associated with a user who has not purchased a program or an event.

41. (Previously Presented) The method of claim 28, wherein the receiver characteristics data representing the characteristic of the receiver indicates a model number associated with a receiver.

42. (Previously Presented) The method of claim 41, wherein the conditional logic instructs the receiver to select the first channel definition if the model number is greater than a predetermined number and instructs the receiver to select the second channel definition if the model number is less than the predetermined number.

43. (Previously Presented) The method of claim 28, wherein the receiver characteristics data representing the characteristic of the receiver indicates whether or not the receiver includes a software capability.

44. (Previously Presented) The method of claim 28, wherein the receiver characteristics data representing the characteristic of the receiver indicates whether or not that receiver includes a hardware component.

45. (Previously Presented) The method of claim 28, wherein the receiver characteristics data representing the characteristic of the receiver indicates a status of the receiver.

46. (Previously Presented) The method of claim 36, wherein the receiver characteristics data representing the characteristic of the receiver indicates a model number associated with the receiver.

47. (Previously Presented) The system of claim 37, wherein the system characteristics data representing the characteristic of the system indicates a model number associated with the system.

IX. Evidence Appendix

No evidence under 37 C.F.R. § 1.130, 1.131, or 1.132 is being relied upon. The evidence relied upon is reflected in the following table.

Reference	**Entered in Record**
Gordon et al., US Patent 6,160,545	See PTO-892 mail by the PTO on 4/22/2004 with the first non-final Office action
Beyers et al., US Patent 5,381,477	See PTO-892 mail by the PTO on 8/10/2006 with the third non-final Office action

Copies of the above-noted evidence are attached hereto.

X. Related Proceedings Appendix

None.